

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

FILED - CLERK  
01 MAY -8 PM 2:50  
TEXAS EASTERN  
BY *Jaya McEwen*

AMKOR TECHNOLOGY, INC.,

Plaintiff,

v.

ST ASSEMBLY TEST SERVICES LTD, and  
ST ASSEMBLY TEST SERVICES, INC.,

Defendants.

Civil Action No. 4:01CV45  
Honorable Judge Paul Brown

**ANSWER TO COMPLAINT**

In response to the Complaint for patent infringement filed by Plaintiff, Amkor Technology, Inc., on February 16, 2001, Defendants ST Assembly Test Services Ltd., and ST Assembly Test Services, Inc., hereby answer as follows:

**The Parties**

1. Defendants admit that Plaintiff Amkor Technology, Inc. has a place of business at 1900 S. Price Road, Chandler, Arizona 85248. Defendants are without sufficient information to admit or deny the remaining allegations of paragraph 1 and, on that basis, deny them.

2. Defendants admit that ST Assembly Test Services Ltd. is a corporation incorporated under the laws of Singapore. Defendants deny the remaining allegations of Paragraph 2.

3. Admitted.

**Jurisdiction and Venue**

4. Admitted.
5. Admitted.
6. Admitted.
7. Defendants admit that venue is proper but deny that it is appropriate. Defendants have moved under 28 U.S.C. § 1404(a) for transfer of venue to the District of Arizona, Phoenix Division.

**Factual Background**

8. Defendants admit that United States Patent No. 6,143,981 (the '981 Patent) was issued on November 7, 2000, and is entitled a "Plastic Integrated Circuit Package and Method and Lead Frames for Making the Package." Defendants further admit that a true and correct copy of the '981 patent is attached to the Complaint as Exhibit A. Defendants deny all remaining allegations of Paragraph 8.

9. Defendants admit that they manufacture integrated circuit packages. Defendants deny the remaining allegations of Paragraph 9.

**COUNT 1 PATENT INFRINGEMENT**

10. Defendants incorporate their responses to Paragraphs 1 through 9 by reference as though fully set forth herein.

11. Denied.
12. Denied.
13. Denied.
14. Denied.

**AFFIRMATIVE DEFENSES**

**FIRST AFFIRMATIVE DEFENSE**

15. Defendants have not infringed and do not infringe any valid claim of the '981 patent.

**SECOND AFFIRMATIVE DEFENSE**

16. The '981 patent is invalid for failure to comply with one or more of the conditions for patentability specified in Title 35, United States Code, particularly, sections 101, 102, 103 and/or 112.

**THIRD AFFIRMATIVE DEFENSE**

17. Amkor is estopped based on statements, representations, and admissions made to the United States Patent and Trademark Office during prosecution of the application resulting in the '981 patent from enforcing the '981 patent against any of Defendants' products.

**FOURTH AFFIRMATIVE DEFENSE**

18. Upon information and belief, the '981 patent is unenforceable by reason of Plaintiff's unclean hands.

**FIFTH AFFIRMATIVE DEFENSE**

19. Upon information and belief, Amkor's claim for damages is barred by Amkor's failure to properly comply with the patent marking requirements of 35 U.S.C. § 287.

**SIXTH AFFIRMATIVE DEFENSE**

20. Amkor's Complaint fails to state a claim upon which relief can be granted.

**PRAYER FOR RELIEF**

WHEREFORE, Defendants pray for the following relief:

- A. Dismissal of Amkor's claims with prejudice;
- B. An award to Defendants of their costs and reasonable attorney's fees incurred in defending against Amkor's claims pursuant to 35 U.S.C. § 285; and
- C. Such other and further relief as the Court deems appropriate.

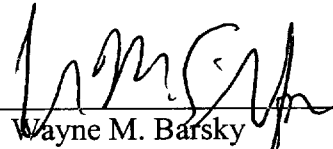
Dated: May 3, 2001

SIEBMAN, REYNOLDS & BURG, LLP

Clyde M. Siebman (State Bar No. 18341600)  
421 North Crockett  
Sherman, Texas 70590  
Telephone: (903) 870-0070  
Facsimile: (903) 870-0066

GIBSON, DUNN & CRUTCHER LLP

By: \_\_\_\_\_


  
Wayne M. Barsky  
(admitted pro hac vice)  
(attorney in charge)

A. James Isbester (admitted pro hac vice)  
Mark J. Carlozzi (admitted pro hac vice)  
Grant E. Kinsel (admitted pro hac vice)  
2029 Century Park East  
Suite 4000  
Los Angeles, California 90067  
Telephone: (310) 552-8500  
Facsimile: (310) 551-8741

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing Answer was sent by  
certified, return receipt requested U. S. Mail on this 9<sup>th</sup> day of May,  
2001 to:

Jerry R. Selinger  
Jenkins & Gilchrist  
1445 Ross Avenue  
Suite 3200  
Dallas, TX 75202

  
\_\_\_\_\_  
CLYDE M. SIEBMAN